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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,141	11/05/2003	Eric J. Streciwilk	380-146	7815
1009	7590	12/27/2006	EXAMINER	
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1724	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/702,141	STRECIWILK, ERIC J.	
	Examiner Minh-Chau T. Pham	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 November 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-16 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application
6) Other: _____.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scalfani et al (6,146,434), in view of Baldinger et al (7,135,051 B2).

Scalfani et al disclose a vacuum cleaner (10) comprising a housing (32), a nozzle inlet (12), a suction generator (34) carried on the housing, a dirt cup (50) carried on the housing, and a dirt cup having a dirt collection chamber with an inlet (80) and an outlet (82), and a filter element (104) held in the filter chamber (col. 2, lines 51-63). Claims 1-16 differ from the disclosure of Scalfani et al in that the filter housing and filter chamber mating with the open end of the dirt cup. Baldinger et al disclose a dirt cup type for a handheld vacuum cleaner (col. 1, lines 24-25) having a base (20) and a cap (30) wherein a filter media (40) is interposed between the base (20) and a lid (50). The cap (30) is mounted over the base (20) forming a filter chamber encased by sidewall (32) and an endwall (34), and this filter chamber encased the filter media (40) as shown in Fig. 2. When the cap (30) or filter chamber is mounted to the base (20), the filter (10) is placed over the opening (70) and mated with the dirt cup (64) of the filter housing (62) (see Fig. 3, col. 4, lines 52-60) and the filter (10) has a concavity open towards the inlet opening (70) of the base and the filter element (10) is frustoconical in shape (see 40 in Fig. 2). Baldinger et al further disclose the filter assembly (40) including a filter support (20, 24, 26, 28). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter housing and filter chamber mating

with the open end of the dirt cup as taught by Baldinger et al in the vacuum cleaner Scalfani et al since it is well known in the art that the mating configuration of the filter chamber and filter housing would provide tight fitting to insure no leakage or air bypassing around the rim and to increase maximum filtration efficiency.

Response to Arguments

Applicant's arguments filed on November 1, 2006 have been fully considered but they are not persuasive.

Applicant argues that none of the cited references discloses "a filter assembly including a filter housing defining a filter chamber, and the filter housing and filter chamber mating with the open end of the dirt cup". The Examiner still maintains Scalfani et al as the primary reference to show: A vacuum cleaner (10) comprising a housing (32), a nozzle inlet (12), a suction generator (34) carried on the housing, a dirt cup (50) carried on the housing, and a dirt cup having a dirt collection chamber with an inlet (80) and an outlet (82), and a filter element (104) held in the filter chamber (col. 2, lines 51-63), as claimed. Claims 1-16 differ from the disclosure of Scalfani et al in that the filter housing and filter chamber mating with the open end of the dirt cup. The Examiner drops the Song reference and newly introduces Baldinger et al as the secondary reference to combine with Scalfani et al under the 103(a) rejection to show: A dirt cup type for a handheld vacuum cleaner (col. 1, lines 24-25) having a base (20) and a cap (30) wherein a filter media (40) is interposed between the base (20) and a lid (50). The cap (30) is mounted over the base (20) forming a filter chamber encased by sidewall (32) and an endwall (34), and this filter chamber encased the filter media (40)

as shown in Fig. 2), as claimed. When the cap (30) or filter chamber is mounted to the base (20), the filter (10) is placed over the opening (70) and mated with the dirt cup (64) of the filter housing (62) (see Fig. 3, col. 4, lines 52-60) and the filter (10) has a concavity open towards the inlet opening (70) of the base and the filter element (10) is frustoconical in shape (see 40 in Fig. 2), as claimed. Baldinger et al further disclose the filter assembly (40) including a filter support (20, 24, 26, 28), as claimed. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter housing and filter chamber mating with the open end of the dirt cup as taught by Baldinger et al in the vacuum cleaner Scalfani et al since it is well known in the art that the mating configuration of the filter chamber and filter housing would provide tight fitting to insure no leakage or air bypassing around the rim and to increase maximum filtration efficiency.

Applicant's arguments with respect to claims 1-16 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
December 21, 2006